

ORDER: 8400.10

APPENDIX: 3

BULLETIN NUMBER: HBAT 98-35

BULLETIN TITLE: **Part 298 Exemption Authority for Part 135 Air Carrier Operators**

EFFECTIVE DATE: 12/07/98

TRACKING NUMBER: N/A

1. PURPOSE. This bulletin provides notification that the Federal Aviation Administration (FAA) Air Transportation Division, Program Management Branch (AFS-260), requires that all Principal Operations Inspectors (POI) in the field inform their Title 14 of the Code of Federal Regulations (14 CFR) part 135 on-demand air carrier operators to amend their registration, using Office of the Secretary of Transportation (OST) Form 4507 and OST Form 6410 whenever changes occur within their operation.

2. BACKGROUND. On February 2, 1995, the Associate Administrator for Regulation and Certification in the FAA and the Assistant Secretary for Aviation and International Affairs in the Office of the Secretary of Transportation agreed via a Memorandum of Understanding to establish a working relationship by transferring part 298 Exemption Authority to AFS-260. It has come to our attention that most inspectors, and the industry as a whole, are not aware of this change. Every (on-demand) air carrier operator who plans to commence operations under part 135 shall register with AFS-260, not later than 30 days prior to commencement of such operations. The registration of an on-demand air carrier shall remain in effect until it is amended by the carrier or canceled by the Administrator.

A. After examination of an OST Form 4507 and an OST Form 6410 submitted by the carrier, the Administrator will stamp the effective date of the registration on the form and return the duplicate copy to the carrier to confirm that it has registered with the Administrator properly as required by part 135. The effective date of the registration shall not be earlier than the effective date of the insurance policy or policies named in the certificate of insurance filed by the carrier under 14 CFR part 298, section 298.21(c)(2).

B. An on-demand air carrier operator shall submit an amendment to its registration **no later than 30 days** after any of the following events:

- (1) A change in its name or address,
- (2) A change in its type of operations (passenger, cargo, mail, scheduled, etc.),
- (3) A temporary or permanent cessation of its operations, or
- (4) A change in the type of aircraft operated, the FAA registration number, or passenger capacity of each aircraft.

C. An amendment shall be made by resubmitting the OST Form 4507 to AFS-260, for all part 135 on-demand air carriers, except the Alaskan air carrier operators. **The Alaskan air carriers are to file with the Anchorage Flight Standards District Office (FSDO) at:**

FAA Technical Standards Branch
222 W. 7th Ave. #14
Anchorage, AK 99513

D. The registration of an on-demand air carrier operator **may be canceled by the Administrator** if any of the following occur:

- (1) The operator notifies the Administrator that it is ceasing operations,**
- (2) The operator's insurance coverage changes or lapses,**
- (3) The operator fails to file an amended registration as required by section 298.23, or**
- (4) The operator's operating authorization is revoked by the FAA.**

3. DISCUSSION. The task of reviewing and maintaining the correct information of these on-demand air carriers will be of great support in the successful implementation of DOT/FAA regulations governing small on-demand air carrier operators and the Operations Specifications subsystem.

4. ACTION. Principal operations inspectors (POI) having certification responsibilities relevant to these applicants for the original issuance and amendments of an operating certificate, for the purpose of conducting common carriage operations under part 298 and part 135, shall inform those applicants or operators that they must submit all applications and or amended material and signed statements to:

FAA Headquarters
Air Transportation Division AFS-260
800 Independence Avenue SW
Washington, DC 20591

5. INQUIRIES. This bulletin was developed by AFS-260. Any questions regarding this information bulletin should be directed to Roy L. Robinson at (202) 267-7773.

6. LOCATION. This bulletin will remain in effect until it is incorporated into FAA Order 8400.10, Air Transportation Operations Inspector's Handbook, volume 2, chapter 1, section 2, paragraph 19. Until the new material is incorporated, inspectors should make written reference to this bulletin in the margin of the appropriate section.

/s/ Tom K. Toula for
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